

1 Anna Maria Martin (Bar No. 7079)
amartin@mmhllp.com
2 MESERVE MUMPER & HUGHES LLP
316 California Ave. #216
3 Reno, Nevada 89509

4 800 Wilshire Boulevard, Suite 500
Los Angeles, California 90017-2611
5 Telephone: (213) 620-0300
Facsimile: (213) 625-1930
6

7 Attorneys for Defendant
ROCKY MOUNTAIN HOSPITAL AND
8 MEDICAL SERVICE, INC. DBA ANTHEM
BLUE CROSS AND BLUE SHIELD erroneously
9 sued herein as BLUE CROSS OF COLORADO,
a business organization. form unknown

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12
13 LAS VEGAS REGIONAL SURGERY)
CENTER, L.P., A Nevada Limited)
14 Partnership,)

15 Plaintiff,)

16 vs.)

17 BLUE CROSS OF COLORADO, a)
business organization, form unknown, and)
18 DOES 1 - 10,)

19 Defendant.)
20

Case No. 2:18-cv-00093-RFB-NJK

**STIPULATION AND ORDER TO
EXTEND TIME TO SUBMIT
REPLY IN SUPPORT OF
DEFENDANT'S MOTION TO
DISMISS PLAINTIFF'S FIRST
AMENDED COMPLAINT
PURSUANT TO F.R.C.P. 12(b)(6)**

(Defendant's First Request)

21 In accordance with LR IA 6-1, LR 7-1(a), and 7-2, the parties stipulate as
22 follows:

23 1. On October 9, 2018, Rocky Mountain Hospital and Medical Service,
24 Inc. doing business as Anthem Blue Cross and Blue Shield, erroneously named as
25 Blue Cross of Colorado, ("Anthem" or "Defendant") filed Defendant's Notice of
26 Motion and Motion to Dismiss Plaintiff's First Amended Complaint Pursuant to
27 F.R.C.P. Rule 12(b)(6) and 12(e) (ECF No. 32). In accordance with LR 7-2(b),
28

1 Plaintiff, Las Vegas Regional Surgery Center, L.P. ("LVRSC" or "Plaintiff"), had up
2 to and including October 23, 2018, to file a response to the motion.

3 2. The parties have since entered into several stipulations (and
4 corresponding court orders) extending the time for Plaintiff to file an opposition to
5 the Motion (and extending Defendant's reply deadline). On November 15, 2018, the
6 Court granted the parties last stipulation and extended the deadlines as follows:
7 Plaintiff's opposition to the motion was due November 15, 2018, and Defendant's
8 reply to the motion is due December 6, 2018. (ECF No. 32).

9 3. Because counsel and family for Anthem have been ill, they requested
10 and Plaintiff LVRSC has agreed to, an additional extension of time until
11 December 14, 2018, to file a reply in support of the motion.

12 4. The parties have agreed to these extensions for good cause and not
13 solely for the purpose of delay.

14 5. This is the first request by Anthem for an extension of time to file a
15 reply in support of the Motion to Dismiss.

16 6. As such, the parties stipulate that Anthem shall have up to and including
17 December 14, 2018, to file a reply brief in support of the Motion to Dismiss the First
18 Amended Complaint.

19
20 Dated: December 3, 2018

Anna Maria Martin
MESERVE, MUMPER & HUGHES LLP

21
22 By: /s/ Anna Maria Martin

23 Anna Maria Martin
24 Attorneys for Defendant
25 ROCKY MOUNTAIN HOSPITAL
26 AND MEDICAL SERVICE, INC.
27 DBA ANTHEM BLUE CROSS
28 AND BLUE SHIELD

1 Dated: December 3, 2018

David J. Merrill
DAVID J. MERRILL, P.C.

2

3

By: /s/ David J. Merrill

4

David J. Merrill
Attorneys for Plaintiff

5

LAS VEGAS REGIONAL SURGERY
CENTER

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Good cause appearing therefore, the Parties stipulation is hereby granted. Defendant Rocky Mountain Hospital and Medical Service, Inc. dba Anthem Blue Cross and Blue Shield, erroneously sued herein as Blue Cross of Colorado has a one-week extension on the deadline for filing a reply brief in support of Defendant's Motion to Dismiss Plaintiff's First Amended Complaint. Defendant's reply is now due on or before December 14, 2018.

IT IS SO ORDERED.

DATED: _____



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 4th day of December, 2018.